## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UN | IITED STATES OF AMERICA  | )   |  |
|----|--|---|--|
|    | Plaintiff,   | ) 8:07CR79<br>)   |  |
|    | vs.  | )<br>) DETENTION ORDER  |  |
| MI | CHAEL R. KITT,   | )<br>)  |  |
|    | Defendant.   | <i>)</i><br>)   |  |
| A. | Order For Detention After conducting a detention hearing pursuan Act on February 28, 2007, the Court order pursuant to 18 U.S.C. § 3142(e) and (i).  | nt to 18 U.S.C. § 3142(f) of the Bail Reform rs the above-named defendant detained  |  |
| B. | Statement Of Reasons For The Detention  The Court orders the defendant's detention because it finds:  X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.  By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. |   |  |
| C. | felony in violation of 18 sentence of ten years imp  (b) The offense is a crime of  (c) The offense involves a na  (d) The offense involves a lar  | s Report, and includes the following: e offense charged: firearm after having been convicted of a 3 U.S.C. § 922(g) carries a maximum prisonment. violence. arcotic drug. ge amount of controlled substances, to wit:   |  |
|    | may affect wheth The defendant hat X The defendant hat X The defendant hat The defendant of ties. Past conduct of to X The defendant hat The defendant hat X The defendant hat X The defendant hat X The defendant hat Court proceeding  | ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. loes not have any significant community the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at |  |

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|  | Release pending trial, sentence, appeal or completion of  |
|--|---|
|  | sentence.   |
| (c) Other I  | Factors:  |
|  | The defendant is an illegal alien and is subject to   |
|  | deportation.  |
|  | The defendant is a legal alien and will be subject to deportation if convicted.   |
|  | The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:   |
|  |   |
| release are as felony convict involving ass testimony re regarding the | and seriousness of the danger posed by the defendant's strong follows: the defendant's prior criminal history including two ions and a probation violation; the defendant's criminal history aultive behavior; the defendant's drug abuse history, the garding the defendant's drug trafficking; the testimony defendant's possession of firearms; and the circumstances ant's attempt to avoid apprehension on the instant charge. |

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: February 28, 2007. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge